

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION**

U.S. APPLICATION SERIAL NO. 86432771

MARK: ADVANCED SURGICAL BODYBUILDING

86432771

CORRESPONDENT ADDRESS:

KATHERINE L MCDANIEL
FULWIDER PATTON LLP
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CLICK HERE TO RESPOND TO THIS 1
<http://www.uspto.gov/trademarks/teas/response>

APPLICANT: Matlock, David L.

CORRESPONDENT'S REFERENCE/DOCKET NO :

N/A

CORRESPONDENT E-MAIL ADDRESS:

OFFICE ACTION

ISSUE/MAILING DATE:

THIS IS A FINAL ACTION.

Applicant's response dated October 13, 2015, is acknowledged by this subsequent Office action. In the response, applicant amended the basis back to Section 1(b) and withdrew the amendment to the Supplemental Register. Consequently, those issues associated with applicant's amendment to the Supplemental Register are now moot. However, the Section 2(e)(1) refusal is reinstated.

Section 2(e)(1) Refusal

Registration was refused because the applied-for mark merely describes characteristics of applicant's services. ^[1] Trademark Act Section 2(e)(1), 15 U.S.C. §1052(e)(1); *see* TMEP §§1209.01(b), 1209.03 *et seq.* The refusal is maintained and continues to be final. The Board will be notified to resume the appeal.

/Christopher Buongiorno/
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TO RESPOND TO THIS LETTER: Go to http://www.uspto.gov/trademarks/teas/response_forms.jsp. Please wait 48-72 hours from the issue/ mailing date before using the Trademark Electronic Application System (TEAS), to allow for necessary system updates of the application. For *technical* assistance with online forms, e-mail TEAS@uspto.gov. For questions about the Office action itself, please contact the assigned trademark examining attorney. **E-mail communications will not be accepted as responses to Office actions; therefore, do not respond to this Office action by e-mail.**

All informal e-mail communications relevant to this application will be placed in the official application record.

WHO MUST SIGN THE RESPONSE: It must be personally signed by an individual applicant or someone with legal authority to bind an applicant (i.e., a corporate officer, a general partner, all joint applicants). If an applicant is represented by an attorney, the attorney must sign the response.

PERIODICALLY CHECK THE STATUS OF THE APPLICATION: To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using the Trademark Status and Document Retrieval (TSDR) system at <http://tsdr.uspto.gov/>. Please keep a copy of the TSDR status screen. If the status shows no change for more than six months, contact the Trademark Assistance Center by e-mail at TrademarkAssistanceCenter@uspto.gov or call 1-800-786-9199. For more information on checking status, see <http://www.uspto.gov/trademarks/process/status/>.

TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS: Use the TEAS form at <http://www.uspto.gov/trademarks/teas/correspondence.jsp>.

^[1] See attached evidence illustrating the descriptive meanings associated with the words in the mark as applied to the services retrieved from Lexis news database and applicant's website on November 4, 2015.

Source: News & Business > News > By Country & Region > United States - Regional News Sources > US Newspapers and Wires
Terms: advanced pre/2 surgical /140 cosmetic (Suggest Terms for My Search)
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The Times-Union (Albany, NY)
October 9, 2015 Friday
Final Edition EDITION

SECTION: PERSPECTIVE; Pg. C2
LENGTH: 659 words
HEADLINE: INCLUDE DONOR SITE SURGERIES
BYLINE: AMANDA DAVIS TWINAM
BODY:

... for surgery she required on her abdomen following a tissue reconstruction. Although the surgery was directly related to her reconstruction and both she and her surgeon believed it to be medically necessary, the health insurance company claimed it was "cosmetic" and denied coverage -- exactly what the federal and state laws were designed to prevent.

In looking into this issue, I discovered that she is not the only woman who has faced this problem; other local women are being denied insurance ...

... donor site. The legislative history of the law clearly indicates that lawmakers intended to ensure that women receive coverage for all phases of breast reconstruction without battling their health insurers to prove the surgeries are not cosmetic. This simple update would clarify the issue to address these advanced surgical techniques.

October is Breast Cancer Awareness Month. Making this minor amendment to the law would provide concrete help to many women battling the disease -- more so than any number of pink ribbons.

Amanda Davis ...

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Terms: **advanced pre/2 surgical / 140 cosmetic** (Suggest Terms for My Search)

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Polk County Sun (Florida)
17 April 2015

SECTION: Pg. 51

LENGTH: 925 words

HEADLINE: Upcoming free health lectures

BODY:

... Dr. Douglas Shenkman, "Shoulder Pain, Get rid of it now!" Latest options used to remedy shoulder pain, ranging from non-surgical options all the way through the most **advanced surgical** treatments to include minimally invasive surgery and computer-assisted procedures.
Main Clinic Library, 1600 Lakeland Hills Blvd., Lakeland. RSVP: 863-680-7881

• 10 a.m. Saturday, May 16 Dr. Pranay Patel, "Timeless Beauty can be yours!" Covers various options for facial rejuvenation including non-invasive **cosmetic** approaches with BOTOX, facial fillers for wrinkle reduction and laser resurfacing. He will also review more in-depth surgical procedures such as eye, face and neck lifts. Before and after photos will be available. ...

Source: **News & Business > News > By Country & Region > United States - Regional News Sources > US Newspapers and Wires** [\[x\]](#)
Terms: **advanced pre/2 surgical / 140 cosmetic** (Suggest Terms for My Search)
View: KWIC
Date/Time: Wednesday, November 4, 2015 - 9:57 AM EST

Source: News & Business > News > By Country & Region > United States - Regional News Sources > US Newspapers and Wires
Terms: advanced pre/2 surgical /140 cosmetic (Suggest Terms for My Search)

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Copyright 2014 The Rockdale Citizen
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The Rockdale Citizen (Conyers, Georgia)
May 20, 2014 Tuesday

SECTION: OBITUARIES

LENGTH: 362 words

HEADLINE: Dr. Thomas Glenn Hill III

BYLINE: Staff

BODY:

... establishing his medical practice in 1975 and quickly developed a reputation across the southeast for his surgical expertise. Dr. Hill was an accomplished physician and surgeon, board certified in Dermatology, Surgery and **Cosmetic** surgery. He was a recognized member of the American Medical Association, American Academy of Dermatology, American Academy of **Cosmetic** Surgery and Medical Association of Georgia.

Dr. Hill was also a frequently published author in leading medical journals and served as a guest speaker to teach **advanced surgical** reconstructive techniques all over the country. He was on staff at Dekalb Medical Center and taught surgical dermatology clinics at both Emory University and Grady Memorial Hospital.

Dr. Hill is survived ...

Source: News & Business > News > By Country & Region > United States - Regional News Sources > US Newspapers and Wires
Terms: advanced pre/2 surgical /140 cosmetic (Suggest Terms for My Search)
View: KWIC
Date/Time: Wednesday, November 4, 2015 - 9:58 AM EST

Source: [News & Business > News > By Country & Region > United States - Regional News Sources > US Newspapers and Wires](#) [i](#)
Terms: [advanced pre/2 surgical /140 cosmetic](#) (Suggest Terms for My Search)
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The Cincinnati Enquirer (Ohio)
April 17, 2013 Wednesday
1 Edition

SECTION: B; Pg. 3
LENGTH: 292 words
HEADLINE: Hyde Park surgeon publishes iBook
BYLINE: By, Reeves, Andrea
BODY:

Lift* uses cutting edge medical animation, before and after galleries, facial plastic surgeon interviews, patient testimonials and much more to help describe the most **advanced surgical** techniques for facial rejuvenation.
Said Mendelsohn, "This new iBook is for anyone out there contemplating a facelift or any type of facial rejuvenation. 'Lift' features videos of real patients talking candidly ...
... few of my colleagues from across the U.S. 'Lift' also offers insight as to critical questions patients should ask their prospective plastic surgeons prior to undergoing facial surgery."
Mendelsohn said, "This iBook is the first of its kind in the **cosmetic** surgery industry, and is the first in a series of five to follow later this year. The other iBooks will focus on: Non-Surgical Procedures/Fillers, Eyes, Breasts, Body and Nose.
*My goal is to ...

Source: [News & Business > News > By Country & Region > United States - Regional News Sources > US Newspapers and Wires](#) [i](#)
Terms: [advanced pre/2 surgical /140 cosmetic](#) (Suggest Terms for My Search)
View: KWIC
Date/Time: Wednesday, November 4, 2015 - 9:58 AM EST



Advanced Surgical Bodybuilding Institute® of Los Angeles
Vaser Hi Def Liposculpturing Institute of Beverly Hills
DAVID MATLOCK, M.D., MBA, FACOG

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About The Procedure

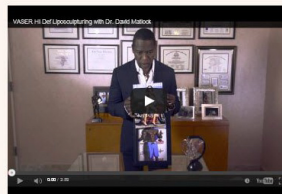


ADVANCED SURGICAL BODYBUILDING™ COSMETIC AND PLASTIC SURGERY VASER HIGH DEFINITION LIPOSCULPTURE BEVERLY HILLS

VASER stands for vibration amplification of sound energy at resonance. It is an ultrasonic surgical instrument used in performing VASER Hi Def Liposculpturing.

The Vaser instrument represents a quantum technological leap because it selectively liquefies the fat and allows the surgeon to target specific fat layers to create the desired sculptured appearance of the muscles without damaging connective tissue. This is key to Advanced Surgical Bodybuilding™.

VASER Hi Def Liposculpturing creates a **sculpted, athletic** appearance by improving the contours of the subcutaneous fat and the **definition of the underlying musculature**. It involves precisely performed, deep and superficial VASER Hi Def Liposculpturing around muscle groups in the abdomen (**abdominal rectus muscles**), chest (**pectoral muscles**), sides and back (latissimus dorsi or **lats**; **obliques**; **serratus**; **paraspinal**).



VIEW HUNDREDS VASER HI DEF LIPOSCULPTURING BEFORE AND AFTER PHOTOS



* Full Name

* E-mail

Phone (optional)

State (US Only) City

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SEND

VASER Hi Def Liposculpturing was developed through the study of art and anatomy of the human musculature, as an artistic treatment of the human form to create not only a slim figure, but also highly developed musculature. VASER Hi Def Liposculpturing is a 3-dimensional approach, taking into account the contributions made by other muscle groups to integrate the entire torso, legs and back.

VASER Hi Def Liposculpturing embodies the ultimate understanding of how superficial anatomy influences external appearance. VASER Hi Def Liposculpturing was developed through the study of "surface anatomy" of human musculature much as an artist would view the human form. VASER Hi Def Liposculpturing (VHD Liposculpturing) highlights the importance of contributions made to the aesthetics of human form by both the superficial and deep fat layers when these layers are properly proportioned both between and over the muscle groups. What makes VHD Liposculpturing different is that we use the underlying structures as a guide to contrast the various structures that make up the 3-dimensional body contour.

The success of VHD Liposculpturing requires that the surgeon have well-trained hands and an artful eye.

Ideal candidates: Since VHD Liposculpturing is designed to be a sculpting procedure rather than a debulking technique, the appropriate candidate is the person who has good muscle tone without excessive amounts of fat or lax skin. The majority of the people who undergo this procedure work out three to five times a week. However, they may fail to achieve the desired muscle definition because that depends on the presence of a very low level of total body fat, about 3 percent.

VHD Liposculpturing is an outpatient procedure that takes two to four hours depending upon size and number of treatment areas. Patients can return to work in 4 to 7 days. They can resume a moderate exercise program in 2 weeks with advancement to hard workouts by 6 weeks. Postoperative discomfort varies according to each patient but can be controlled with mild analgesics.

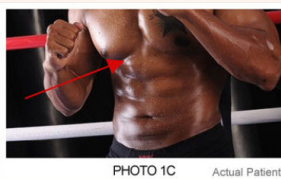
Cosmetic outcomes: The first evidence of the improved muscle definition can be seen at about 2 to 3 weeks when the postprocedural edema has appreciably resolved. By two months, the appearance may be close to maximum in the morning but may be less optimal as the day progresses due to the onset of swelling. Final results are seen at four months or after.

1. VHD Liposculpturing of the Abdominal Rectus Muscles (ABS)

The ultimate objective with VASER Hi Def Liposculpturing (VHDL) of the ABS is to create that chiseled rock hard look. (see photo 1 of before and after of our patient). Prior to the procedure in the preoperative area the ABS are strategically marked to guide the sculpting procedure. Visualization, palpation, and surgeon guided abdominal muscle contractions are done to accurately delineate the individual muscles of the ABS, the upper, outer and lower borders of the ABS and their tendinous insertions which will be explained below. First VHDL is used to treat the deep, middle and superficial fat to produce an even thin layer of fat with a pinch of about 1 cm of skin and fat. After this, fine tuning is done to reach the ultimate desired tissue effect. The superficial portion of the technique enhances a "shrink wrapping" effect of the skin over the new VHD body area (see photo 1) results at 2 months. Note how the skin and thin subcutaneous tissue tightly drape over the well defined muscular form). The incisions are about 1/8 of an inch and are strategically placed, 2 in the groin, 1 in the belly button, and one in each areola of the nipple area; once healed they are invisible to barely noticeable.

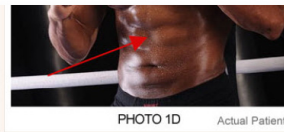


After fine tuning, attention is then turned to the linea semilunaris (see 1B) these tendinous areas of the outer border of the ADS must be skillfully sculptured to give that natural athletic look. Ultimately the overlying skin and subcutaneous tissue will be paper thin like that seen in bodybuilders (note that we have treated and examined bodybuilders and tri-athletes and have found this to be the case). From the areola incisions the upper borders of the ABS beneath the pectoral muscles (PECS) are also sculptured out (see 1C).

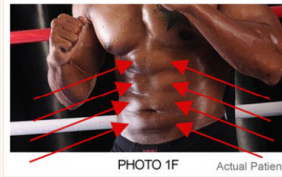
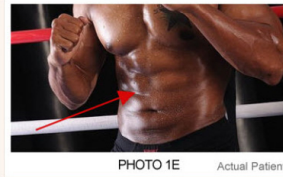


After the two sides of the linea semilunaris and the upper portions of the ABS are complete attention is then turned to the linea alba (see 1D) the natural depression down the midline separating the six pack ABS into right and left. This is a tendinous area into which the ABS insert. As with the other areas a special technique is used to create a natural appearing linea alba.





Now for the sine qua non of rock hard chiseled ABS, which by far is the most complex part of the VHDL procedure, the transverse tendinous insertions (see 1E) using a unique technique only mastered through skill and experience. Our patient's ABS are so endowed and enhanced by VHDL that we defined the rare "Eight Pack" (see 1F).



2. VHD Liposculpturing of the Pectoral Muscles (PECS)

We all know that one place that men gain fat or weight is in the subcutaneous (SQ) tissue of the PECS. Some men even develop a condition called gynecomastia (prominent breast usually with centrally located dense fibrous tissue). Both excess fat and gynecomastia can be treated with VHDL. Aesthetically appealing/muscular PECS consist of firm muscle with highly defined sharp borders especially laterally (the sides: see photo 2A) and inferiorly (the bottom: see photo 2B) and a small amount of over lying SQ tissue. All of this can be accomplished with VHDL. Patients who meet the above criteria for aesthetics may not need fat sculpting of the PECS but most of these patients opt for definition of the borders of the PECS. For those who need fat sculpting, skin tightening and border delineation have the full VHDL procedure of the PECS. The surgical approach is through the small incisions in the areola (see photo 2C) and one high in the underarm arm area at the crease.



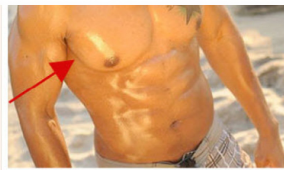


PHOTO 2A Actual Patient



PHOTO 2B Actual Patient



PHOTO 2C Actual Patient

As describe in VHDL of the ABS the deep, intermediate, and superficial fat of the PECS are treated and fine tuned. Preoperative markings delineated the exact borders of the PECS. The fat of the axilla or underarm area is removed while sculpting out the outer border of the PECS (see 2A). Later you will see that this VHDL treated axilla will serve to define the outer border of the LATG (see photo 2D top right hand picture). The areola incision is used to treat and define out the inferior border of the PECS. This entire treated area is used to separate out the ABS for the PECS. Many patients have a lot of fat between these two muscle groups that cause the structures to "blend" thereby fading definition between two structures. The separation of muscle groups in VHDL is essential in achieving the overall chiseled athletic look. Just look at "Muscle Magazine" and you will note the greater the degree of muscle group separation and delineation, the more chiseled the look.





PHOTO 2D Actual Patient

3. **VHD Liposculpturing of the Latissimus Dorsi Muscles (LATS)**

Aesthetically appealing/muscular LATS consist of firm muscle with highly defined sharp borders especially laterally (the sides: see 2D) throughout the entire length and have a small amount of over lying SQ tissue. All of this can be accomplished with VIDL. Patients who meet the above criteria for aesthetics may not need fat sculpting of the over lying SQ but most of these patients opt for definition of the lateral borders of the LATS. For those who need fat sculpting, skin tightening and border delineation have the full VHDL procedure of the LATS and overlying fat. The surgical approach is through the small incision in the underarm area at the crease. This serves to provide a distinct separation of the PECS and the LATS (See photo 3A).





PHOTO 3A Actual Patient

As describe in VHDL of the ABS the deep, intermediate, and superficial fat of the PECS are treated and fine tuned. Preoperative markings delineated the exact borders of the PECS. The fat of the axilla or underarm area is removed while sculpting out the outer border of the LATS. The delineation of the LATS along with the treatment of the hips/obliques serves to give that classic V shape (see photo 3B).

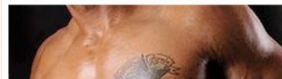


PHOTO 3B Actual Patient

4. **VHD Lipo sculpturing of the Obliques**

The external oblique (see photo 4-A) is situated on the lateral (side) and anterior (front) parts of the abdomen. It is broad, thin, and irregularly quadrilateral, its muscular portion occupying the side, its aponeurosis or fascia the anterior wall of the abdomen. In most humans (especially females), the oblique is not visible, due to subcutaneous fat deposits and the small size of the muscle.

Note the separation of the oblique muscle and the ABS by the linea semilunaris and the area of the inguinal ligament (see photo 4-B). Now, one can begin to understand when we talk about VHDL taking into account all of the underlying muscular anatomy, origins, insertion points, separations and relationships to give that overall top athletic look we all want (see photo 4C of our patient taken 6 weeks after surgery in his kitchen).



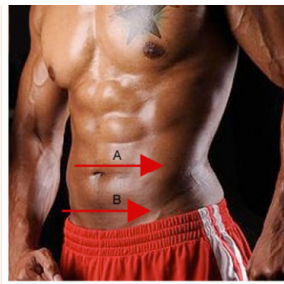


PHOTO 4 Actual Patient



PHOTO 4C Actual Patient

5. **VHD Liposculpturing of the Serratus Muscles**

The serratus anterior is a muscle that originates on the surface of the upper eight or nine ribs at the side of the chest and inserts along the entire anterior length of the medial border of the scapula (see photo 5). The serratus muscles can be difficult at times to bring out but with understanding of each patient's muscular anatomy, development, and adjoining muscular structures VHDL can effectively delineate this muscle group.



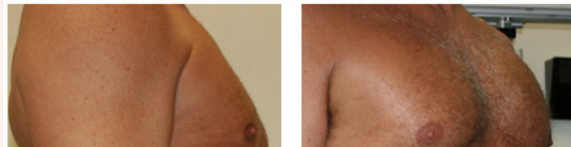
PHOTO 5 Actual Patient

6. **VHD Liposculpturing with PEC augmentation via Autologous Fat Transplant (AFT)**

AFT is a common procedure used in cosmetic surgery to augment structures such as the buttocks, which we will discuss shortly, breast, face, SQ depressions, SQ scars and reconstructive surgery. AFT is a safe and effective treatment and procedure. AFT to the PECS produces a natural firm result. I know, because I had it done with my VHDL (see Dr. Matlock's photo). Despite a vigorous weightlifting program and excellent diet I was never able to build up the upper half of my PECS and therefore I had my colleague perform an AFT to the PECS with my VHDL. I can attest to the fact that my PECS are well defined, muscular and well toned in the relaxed state and rock hard in a contracted state. My PECS are 100% natural after the AFT procedure. On average about 80% of the AFT fat survives. The PECS preoperatively are marked for both muscle sculpting and AFT placement to produce the desired athletic appearance of the PECS. A small 2 mm puncture site is made at the mid part of the lateral border (outer side of the PECS). Then 1.5 to 2 mm blunt cannulas are used to inject the fat into the muscle of the PECS in small thin columns. About 88% of the AFT fat is alive. The rich blood supply of the PECS will produce revascularization of the AFT tissue so that it lives and survives. By doing this it bulks up the PECS in a natural, smooth and even fashion. Look at the results of another one of our patients who had VHDL and AFT to the PECS (see before and after photos 6B).



DR. MATLOCK PHOTO 6A





7. VHD Liposculpturing of the Female body

Female body shape is the cumulative product of a woman's skeletal structure (her build) and the quantity and distribution of muscle and fat on the body. The hourglass shape is the Western conception of the ideal or usual female shape, against which other shapes are compared. The waist is typically smaller than the bust and hips. How much the bust or hips incline inward, towards the waist determines the structural shape. In practice only about 8% of women have the hourglass shape.

Women also with good bodies are seeking to take themselves to the next level in the hopes of achieving that cover girl look on the front of magazines such as Shap, Fitness, and Cosmopolitan. Through a comprehensive understanding of female body aesthetics, muscular anatomy and artful technical skill, VHDL can be used to accomplish the desired athletic look many women want. The desired athletic look that women seek from VHDL can be seen in the before and after pictures of our patient in photos 7A and 7B.



8. VHD Sculpting of the Female Body with Brazilian Butt Augmentation

I have traveled to Brazil over 17 times over the past 18 years; I know and understand the country, culture, people, beauty, fashions and language. Brazilian beauty is more focused on the body and buttocks as opposed to the breast. "To create beauty, you have to know beauty".

The Brazilian Butt Augmentation (BBA), also known as Brazilian Butt Lift can be performed at the same time as VASER Hi Def Liposculpturing (VHDL with BBA: see photo 7B). BBA involves the use of the patient's own fat from a liposculpturing procedure which is then concentrated and used to augment the volume and enhance the shape of the buttocks for the individual patient.

We first sculpture out the most aesthetically pleasing buttocks with liposculpting by aesthetically removing fat from the hips, back area above the buttocks as well as other areas one may desire to have fat removed such as the abdomen, outer and inner thighs etc. The fat is collected, processed, and concentrated and then our special technique is used to strategically inject the fat into the buttock muscle and deep fat just above the muscle to produce the ultimate buttocks that everyone wants. The injection is performed through a small incision (no longer than this line —) under the buttock check. A very small cannula is used to inject the fat.

The use of fat to enhance the shape and increase the volume of the buttocks is the preferred approach for the aesthetic enhancement of the buttocks and in fact 98% of women coming to us for liposculpting want BBA. Unlike synthetic implants, this BBA technique produces results that are natural to look and feel (see photo 7C). We want every patient to participate in their healthcare and surgical design and therefore you have a say in the size you want.



The 88% of the fat used for transplantation to the buttocks is living tissue. The majority of the fat is able to reestablish its natural blood supply in the buttocks, thus remaining alive. It is expected that you will keep about 80% of the fat that is transplanted and what you have after three months is what you can expect to keep, regardless of changes in diet and exercise.

As you can see, our results are simply irresistible! (see photo 7D).

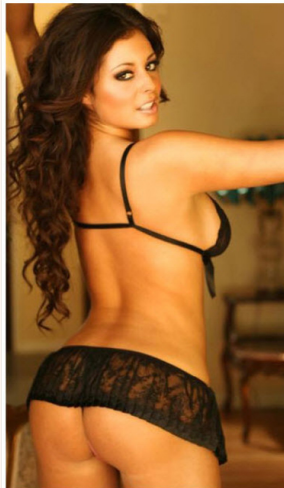


PHOTO 7D

Actual Patient

DAVID MATLOCK, MD, MBA, FACOG
ADVANCED SURGICAL BODYBUILDING INSTITUTE OF LOS ANGELES
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